REMARKS

Claim 7 is currently pending in the present application. Claim 7 has been amended in a manner that is believed to overcome rejections contained in the pending Office Action. No new matter or issues are believed to be introduced by this amendment. New claims 8-11 are added herewith. Support for the amendments and new claims are found throughout the specification.

Double Patenting

Claim seven is rejected for nonstatutory obviousness-type double patenting in over Claim 1 of U.S. Patent No. 6,658,589. Applicant respectfully submits that a terminal disclaimer will be filed to obviate the double patenting rejection upon an indication that the rejections over §102 and 103 are overcome.

Rejections Under 35 U.S.C. §102

Claim 7 is rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,970,488 to Crowe et al. (hereinafter "Crowe"). Claim 7 recites:

> 7.   In a computer system having a plurality of nodes, **each node having access to a shared _common_ database** and also having local storage, a method of performing a backup operation to backup said shared database comprising:
> providing a local redo log in local storage for said node, said node including information regarding data in **said shared _common_ database**;
> selecting at least one node of said plurality of nodes to perform said backup operation to backup said information **regarding data in said shared _common_ database** included in said node;
> obtaining information regarding a directory location of said local redo log for said at least one node;
> setting said local redo log to be read/write accessible by said selected at least one node; and
> backing up data **in said shared _common_ database** by accessing data **in said shared _common_ database** and also in said local redo lot to provide backup data. (emphasis added.)

The Examiner asserted that Crowe teaches "In a computer system having a plurality of nodes, each node having access to a shared database and also having local storage," (Figure 1

and column 3 lines 49-65) "a method of performing a backup operation to backup said shared database" (column 4 lines 47-65).

Contrary to the Examiner's characterization, the disclosure of Crowe, among other things, does not teach or suggest anything about a shared database that is accessible to each of the nodes as particularly claimed. Claim 7 is currently amended to more clearly indicate that the shared database is a common shared database, accessible to each of the nodes, which is not as disclosed or suggested in Crowe. Support for the "shared common database" is found in the present specification, for example at page 3, lines 5-6 which recites "A parallel server database is a database server with enhancements that allow a common database to be shared among the nodes of an MP or loosely coupled SMP system." Further support for the claimed "shared common database" is found on page 3, lines 5-6 of the specification which recites "The present invention includes a backup system applicable to a parallel database in a clustered shared disk environment or MPP (massively parallel processor) environment where each instance has access to the exact same shared disk." (page 4, lines 24-26).

The Examiner also asserted that Crowe teaches "providing a local redo log in local storage for said node, said node including information regarding data in said shared database;" (column 4 lines 28-46 and column 10 line 63 – column 11 line 6 wherein an updated record list is stored in each node regarding backup and update information)." Contrary to the Examiner's characterization, Crowe discloses "each node having an updated table list associated therewith, said updated table list storing said table identifier for each modified table in said database, each table having an updated record list associated therewith, said updated record list storing said record number for each modified record in an associated table..." The updated table list and updated record list disclosed in Crowe is sent to each node via a communication medium (col. 4, lines 45-56) to update data in a distributed database which includes local copies of the database on every node (col. 3, lines 22-24). This method of updating distributed data does not teach or suggest anything about backing up a shared database, much less anything about a re-do log for backing up a shared database as particularly claimed.

Since Crowe does not teach or suggest each and every element of claim 7, Applicant respectfully submits that the rejection of claim 7 under 35 U.S.C. §102(e) is improper and should be withdrawn. Reconsideration is respectfully requested.

CONCLUSION

In view of the amendments and remarks set forth above, Applicant respectfully submits that the pending claim is patentably distinct and in condition for allowance. The new claims added herewith are dependent directly or indirectly on allowable claim 7 and are therefore allowable. Reconsideration and allowance of the claim is respectfully requested.

Authorization is hereby given to charge deposit account 50-2896 in connection with any fees or extension of time or any other fee that may be necessary to permit entry of this response.

Respectfully submitted,

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